	ed States Patent A	and Trademark Office	UNITED STATES DEPAR United States Patent and Address: COMMISSIONER F P.O. Box 1450 Alexandria, Virginia 223 www.usplo.gov	TMENT OF COMMERCE Trademark Office OR PATENTS
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,068	01/22/2001	John K. Gallant	RIC00018	2495
7590 08/23/2006			EXAMINER	
Technology Law Department MCI WORLDCOM, Inc. 1133 19th STREET NW WASHINGTON, DC 20036			SAM, PHIRIN	
			ART UNIT	PAPER NUMBER
			2616	
			DATE MAILED: 08/23/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/768,068	GALLANT ET AL.				
Office Action Summary	Examiner	Art Unit				
	Phirin Sam	2616				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
Status						
1) Responsive to communication(s) filed on <u>13 Ju</u>	ıne 2006.					
	action is non-final.					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-29,31 and 33-44</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>26-29,31 and 33-40</u> is/are allowed.						
6)⊠ Claim(s) <u>1-9,12,17,19,21,22 and 41-44</u> is/are rejected.						
7) Claim(s) <u>10,11,13-16,18,20 and 23-25</u> is/are of						
8) Claim(s) are subject to restriction and/or	-					
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on <u>22 January 2001</u> is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Almin						
Attachment(s) PHIRIN SAM						
1) ⊠ Notice of References Cited (PTO-892) PRIMARY EXAMINER 4) ☐ Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/4/06</u>. 5) Notice of Informal Patent Application (PTO-152) 6) Other: 						
US. Patent and Trademark Office						

.

ż

DETAILED ACTION

Double Patenting

1. Claims 1-8, 12, 17, 19, 21, 22, and 41-44 of this application conflict with claims 1-13 and 21-24 of Application No. 2002/0057693. In addition, claims 1, 2, 4, and 9 of this application also conflict with claims 1, 4, 5, and 7 of Application No. 2002/0061101. Therefore, 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Allowable Subject Matter

2. Claims 26-29, 31, 33-40 are allowed.

3. Claims 10, 11, 13-16, 18, 20, 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/768,068 Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: August 18, 2006

PHIRIN SAM PRIMARY EXAMINER